



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,897	04/04/2000	Jerry H. Chisnell	FTP141A US	5716

21133 7590 04/26/2002

REMY J. VANOPHEM, P.C.
755 W BIG BEAVER ROAD
SUITE 1313
TROY, MI 48084

EXAMINER

RODGERS, MATTHEW E

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 04/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,897

Applicant(s)

CHISNELL, JERRY H.

Examiner

Matthew E. Rodgers

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I, claims 1-13, in Paper No. 4 is acknowledged. The traversal is on the ground(s) that installing O-rings to the exterior and/or interior of the link segments would not surround a link segment to interlock the seal portion and body portion. This is not found persuasive because installing O-rings to the exterior and/or interior of the link segments would indeed surround the link segments and frictionally interlock the seal portion and body portions. Examiner asserts that by claiming that the seal portion must surround the link segments, Applicant intends to recite that the seal portion surrounds the link segments in contacting relationship with all circumferential points around each link segment. However, the claim language only stipulates that the seal portions surround the link segments. Installing O-rings to the exterior and/or interior of the link segments would entirely surround the link segments even though the O-rings would only contact each link segment on a portion of the exterior/interior circumference. Additionally, claim 14 is drawn to class 264, subclass 274 and would require further search.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3677

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Baron (WO97/16670, see USPN 6,260,851 for English language translation). In Figure 2, Baron teaches the use of a body portion having a plurality of collar portions continuous with a plurality of seal portions (18, 21). In Figure 5, Baron teaches that link segments (47) may be positioned to extend axially from the collar sections (51). Baron shows, in a combination of the embodiments shown in Figures 2 and 5, a composite sleeve seal comprising a body portion (16, 19) including a plurality of collar sections (numbered 51 in Figure 5) space apart by at least one gap and having at least one link segment (47) defined therefrom; and at least one seal portion (18, 21, 42) contiguous with at least one collar section, disposed in the at least one gap between the plurality of collar sections, and surrounding the end of at least one link segment at a junction (49) to interlock the at least one seal portion with the body portion.

The collar sections are made of plastic (col. 2, lines 54-55), and the seal portions are made of rubber (col. 22, lines 51-52). The link segments comprise three link segments (col. 5, line 11) that extend axially between the collar sections. The three link segments are circumferentially spaced 120 degrees apart (col. 5, lines 9-12, and as shown in Figure 6). One of the collar sections includes a tapered portion having a tapered surface thereon (as shown at the mating end of collar section 16 in Figure 2).

Baron shows the composite seal with a fluid-tight conduit connection having a female component (3) and a male component (2) positioned within the female component such that the female component circumscribes the male component, with the composite seal interposed between the male and female components. The female component includes a mounting surface

Art Unit: 3677

(10) and a throughbore (4). The throughbore has a chamfer in the mounting surface (shown on the mating end of bore 4), the chamfer and the throughbore define a transition surface therebetween (ring formed from an annulus of intersecting points formed at the intersection of the chamfer and the throughbore (10)). The tapered portion of collar section (16) engages the transition surface of the female member.

Response to Arguments

Applicant's arguments filed 1/18/02 have been fully considered but they are not persuasive. Applicant argues that portions (47) of Baron are not link segments. However, Examiner asserts that even in light of claim 1, which only requires one link segment and one body portion, portions (47) frictionally link seal portion (42) and collar portions (51) together. Applicant argues that the portions (47) do not extend from the body portion (50). Examiner asserts that the portions (47) do originate at collar portions (51) and extend therefrom. Applicant argues that seal portion (42) does not surround the link segments (47). Examiner asserts that at the point designated by reference numeral (49), the seal portion (42) surrounds the portion of the link segment (47) that extends beyond the collar (51) and becomes flush with the seal portion (42) where the link segment (47) originates just beyond collar (52) and extends in a direction tangential to the curvature of the seal portion (42). Applicant argues that the seal segment (42) is not interlocked to the body portion. However, Examiner asserts that link segments (47) are clearly shown as being in contact with body portion (50) and therefore must at least frictionally interlock the body portion (50).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Rodgers whose telephone number is (703) 306-3406. The examiner can normally be reached on regular work hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

MR
April 22, 2002


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600